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OCT 27 2004

OFFICE OF PETITIONS

Attorney Docket No.: 3660P011

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re utility Patent Application for: )  
Eithan Y. Ephrati, et al. )  
Application No.: 09/426,410 )  
Filed: October 25, 1999 )  
For: ELECTRONIC MULTILATERAL )  
NEGOTIATION SYSTEM )

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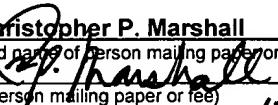
Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313

Examiner: Laneau, Ronald  
Art Group: 3627

RECEIVE

NOV 9 2004

GROUP 3600

EXPRESS MAIL STATEMENT	
'Express Mail' mailing label number: EV336587351US	
Date of Deposit: October 27, 2004	
I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
Christopher P. Marshall	(Type or printed name of person mailing paper or fee)
	
(Signature of person mailing paper or fee)	
10/27/2004	
(Date Signed)	

DECLARATION OF LESTER J. VINCENT IN SUPPORT OF PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE  
COMMUNICATION

Sir:

I, Lester J. Vincent, hereby declare and say as follows:

- (1) I am an attorney and partner at the firm of Blakely, Sokoloff, Taylor & Zafman LLP ("BSTZ") in Sunnyvale, California.
- (2) The present application was filed on October 25, 1999 by an attorney at Ritter, Van Pelt and Yi.
- (3) A Power of Attorney by Assignee and Revocation of Previous Powers was filed by an attorney of BSTZ on May 9, 2002.

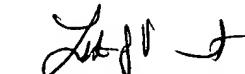
- (4) A Notice Regarding Power of Attorney identifying that the Power of Attorney was accepted for the above-referenced patent application was mailed by the PTO June 4, 2002.
- (5) An Office Action was mailed by the PTO on December 19, 2002.
- (6) An Amendment was filed March 19, 2003.
- (7) An Information Disclosure Statement was mailed May 13, 2003.
- (8) An Office Action was mailed by the PTO on April 15, 2003.
- (9) A Request for Continued Examination (“RCE”) and a Preliminary Amendment was filed July 31, 2003.
- (10) An Office Communication was mailed July 25, 2003 alleging that an improper RCE has been filed.
- (11) An Office Action was mailed October 22, 2003.
- (12) An Amendment was filed January 22, 2004.
- (13) A Notice of Abandonment was mailed September 21, 2004. The Notice of Abandonment was received in the Los Angeles office of BSTZ on September 27, 2004.

- (14) I have searched the file jacket and the docket records of BSTZ and can find no indication of an Office Communication of February 4, 2004 being received by BSTZ (other than the photocopy made from the PTO prosecution history after receipt of the Notice of Abandonment).
- (15) A complete copy of the BSTZ docket records for the present application is attached.
- (16) The docket records show (1) deadlines for responding to the Office Action of October 22, 2003 and (2) target dates for reviving the application. The docket records do not show any receipt of an Office Communication of February 4, 2004.
- (17) On October 14, 2004, I asked our Virginia associate to retrieve a photocopy of the Office Communication of February 4, 2004 from the U.S. Patent and Trademark Office. On October 18, 2004, I obtained a photocopy of the Office Communication February 4, 2004 (that we did not receive in the mail) through our Virginia associate.
- (18) Enclosed is a Response to Notice of Non-Compliant Amendment under 37 C.F.R. § 1.121, which is a response by applicants to the photocopy of the Office Communication dated February 4, 2004 retrieved from the PTO.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Date: October 27, 2004



Lester J. Vincent  
Reg. No. 31,460

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12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025  
(408) 720-8300

# Docket

prepared 10/13/2004

Client.Matter	Country	Pat/Ser/Reg	Description
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**Wednesday, March 19, 2003**

3660.P011	426,410	<i>Response due</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Saturday, April 19, 2003**

3660.P011	426,410	<i>Response due, 1st extension</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Sunday, June 15, 2003**

3660.P011	426,410	<i>Two months since final oa was mailed</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Tuesday, July 8, 2003**

3660.P011	426,410	<i>Reminder, review file for possible filing of continuation application if advisory action or notice of allowance not received by 7/15/2003</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Tuesday, July 15, 2003**

3660.P011	426,410	<i>Response due final OA and possible appeal</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

# Docket

prepared 10/13/2004

Client.Matter	Country	Pat/Ser/Reg	Description
3660.P011		426,410	<i>If advisory action or notice of allowance not received by today, review file for possible filing of continuation application.</i>

**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Friday, August 15, 2003**

3660.P011	426,410	<i>Response due final OA and possible appeal, 1st extension</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Sunday, August 24, 2003**

3660.P011	426,410	<i>Response due, notice of improper request for RCE; arbitrary date</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Sunday, October 19, 2003**

3660.P011	426,410	<i>Next office action due; if not received, file request for status</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Thursday, January 15, 2004**

3660.P011	426,410	<i>Next office action due; if not received, file request for status</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

# Docket

prepared 10/13/2004

Client.Matter	Country	Pat/Ser/Reg	Description
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**Thursday, January 22, 2004**

3660.P011	426,410	<i>Response due</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Sunday, February 22, 2004**

3660.P011	426410	<i>Response due, 1st extension</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Monday, March 22, 2004**

3660.P011	426410	<i>Response due, 2nd extension</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Thursday, April 22, 2004**

3660.P011	426410	<i>Response due, 3rd and final extension</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

**Sunday, November 21, 2004**

3660.P011	426410	<i>Reminder: Deadline to revive abandoned application is 12/21</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

# Docket

prepared 10/13/2004

Client/Matter	Country	Pat/Ser/Reg	Description
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**Tuesday, December 21, 2004**

3660.P011	426410	<i>Deadline to revive abandoned application</i>
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**Title** ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY